

Message Text

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ORIGIN EB-07

INFO OCT-01 EA-09 NEA-10 ISO-00 SIG-02 MMO-04 AF-10
FEA-01 AID-05 CEQ-01 CIAE-00 ERDA-07 COME-00
DODE-00 EPA-04 INR-07 IO-14 L-03 NSF-02 NSC-05
NSAE-00 PM-04 USIA-15 OES-07 SS-15 SP-02 INT-05
/140 R

DRAFTED BY EB/OT/STA:GWHITE:JH
APPROVED BY EB/OT/STA:TO'HERRON
INTERIOR:TGROSZ
AF/S:WEATON (SUBS)
AF/EP:DMCCLELLAN (SUBS)
ENEP:MHENDERSON (SUBS)
-----038503 021614Z /53

R 012013Z JUL 77
FM SECSTATE WASHDC
TO ALL AFRICAN DIPLOMATIC POSTS
AMEMBASSY SINGAPORE
AMEMBASSY BANGKOK
AMEMBASSY CANBERRA
AMEMBASSY COLOMBO
AMEMBASSY KATHMANDU
AMEMBASSY MANILA
AMEMBASSY NEW DELHI
AMEMBASSY PORT MORESBY
AMEMBASSY RANGOON
AMEMBASSY TOKYO

UNCLAS STATE 154009

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: U.S. REGULATIONS ON THE IMPORTATION OF IVORY
PRODUCTS AND OTHER PRODUCTS FROM ENDANGERED SPECIES
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REF: JOHANNESBURG 1669 NOTAL

1. IN THE FEDERAL REGISTER OF FEBRUARY 22, 1977, THE
DEPARTMENT OF THE INTERIOR PUBLISHED REGULATIONS GOVERNING
THE IMPLEMENTATION BY THE UNITED STATES OF THE CONVENTION
ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD

FAUNA AND FLORA. AMONG OTHER THINGS THESE REGULATIONS REQUIRE THAT ALL COUNTRIES, WHETHER THEY ARE PARTIES TO THE CONVENTION OR NOT, PROVIDE DOCUMENTS WHICH SHOW THAT THEIR EXPORTS TO THE UNITED STATES OF WILDLIFE OR PLANTS LISTED IN APPENDIX I, II, OR III OF THE CONVENTION ARE NOT CONTRIBUTING TO THE EXTINCTION OF THESE SPECIES. THESE DOCUMENTS MUST BE ISSUED BY A GOVERNMENT OFFICIAL, NOT A TRADE ASSOCIATION.

2. SECTION 23.14 OF THE U.S. REGULATIONS STATES QUOTE SUCH DOCUMENTS MAY BE IN THE FORM OF AN EXPORT OR IMPORT PERMIT, A LETTER FROM THE PROPER AUTHORITY, OR ANY OTHER FORM THAT CLEARLY INDICATES THE NATURE OF THE DOCUMENT.

SUCH DOCUMENTS MUST:

(A) BE ISSUED BY AN OFFICIAL OF THE COUNTRY RESPONSIBLE FOR AUTHORIZING THE EXPORT OF SUCH WILDLIFE OR PLANTS;

(B) SPECIFY THE SPECIES (OR TAXA TO THE RANK LISTED IN APPENDIX I, II, OR III), AND GIVE THE NUMBERS OF WILDLIFE OR PLANTS COVERED BY THE DOCUMENT; AND

(C) CONTAIN THE FOLLOWING STATEMENT OR ITS EQUIVALENT:
I, (NAME OF CERTIFYING OFFICIAL) HEREBY CERTIFY THAT THE SHIPMENT OF WILDLIFE OR PLANTS COVERED BY THIS DOCUMENT
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IS IN ACCORDANCE WITH THE LAWS OF (COUNTRY), WILL NOT BE DETRIMENTAL TO THE SURVIVAL OF THE SPECIES IN THE WILD, AND, IF LIVING, WILL BE TRANSPORTED IN A MANNER WHICH WILL MINIMIZE THE RISK OF INJURY, DAMAGE TO HEALTH, OR CRUEL TREATMENT. END QUOTE.

3. CALIFORNIA ALSO HAS A STATE STATUTE WHICH PROVIDES FOR THE PROTECTION OF ENDANGERED SPECIES WITHIN CALIFORNIA. THE CALIFORNIA STATUTE IS PATTERNED AFTER THE FEDERAL ENDANGERED SPECIES ACT OF 1973 AND THE MARINE MAMMAL PROTECTION ACT OF 1972, BUT PROVIDES MORE COMPREHENSIVE PROTECTION FOR SOME SPECIES, SUCH AS AFRICAN ELEPHANTS, THAN THE FEDERAL STATUTES DO.

THE CALIFORNIA ATTORNEY GENERAL'S OFFICE HAS INFORMED THE DEPARTMENT THAT SINCE JUNE 14, 1976, IT HAS BEEN ILLEGAL TO POSSESS WITHIN CALIFORNIA, WITH THE INTENT TO SELL WITHIN CALIFORNIA, ANY PART OR PRODUCT OF AN ASIAN ELEPHANT. THE PROVISIONS OF THE CALIFORNIA ENDANGERED SPECIES LEGISLATION PERTAINING TO THE PROTECTION OF AFRICAN ELEPHANTS ARE MORE COMPLEX. IF IVORY OR OTHER PRODUCTS OF AFRICAN ELEPHANTS WERE IMPORTED PRIOR TO

JANUARY 1, 1977, THEY MAY CONTINUE TO BE SOLD OR OFFERED FOR SALE. AFRICAN ELEPHANT PRODUCTS IMPORTED AFTER JANUARY 1, 1977 COULD BE SOLD OR POSSESSED WITH THE INTENT TO SELL UNTIL JUNE 1, 1977. SINCE JUNE 1, 1977 IT HAS BEEN ILLEGAL UNDER CALIFORNIA LAW TO IMPORT ANY AFRICAN ELEPHANT PRODUCTS FOR COMMERCIAL PURPOSES.

4. COPIES OF THE FOLLOWING DOCUMENTS ARE BEING SENT TO POST BY AIRGRAM: (A) DEPARTMENT OF THE INTERIOR'S REGULATIONS; (B) THE CALIFORNIA STATUTE GOVERNING THE PROTECTION OF ENDANGERED SPECIES; (C) A LETTER FROM THE CALIFORNIA ATTORNEY GENERAL'S OFFICE WHICH EXPLAINS SEVERAL ASPECTS OF THE CALIFORNIA STATUTE. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SPECIES PROTECTION, IVORY, IMPORT CONTROLS, PLANTS (FLORA), WILD LIFE
Control Number: n/a
Copy: SINGLE
Sent Date: 01-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: GWHITE:JH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770237-0247
Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770796/aaaadfxz.tel
Line Count: 128
Litigation Code IDs:
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Litigation History:
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Message ID: c3e7f071-c288-dd11-92da-001cc4696bcc
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Original Classification: UNCLASSIFIED
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Original Previous Classification: n/a
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Reference: 77 JOHANNESBURG 1669
Retention: 0
Review Action: RELEASED, APPROVED
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Secure: OPEN
Status: NATIVE
Subject: U.S. REGULATIONS ON THE IMPORTATION OF IVORY PRODUCTS AND OTHER PRODUCTS FROM ENDANGERED SPECIES
UNCLASSIFIED
TAGS: ETRD, XX, US
To: AF POSTS SINGAPORE MULTIPLE
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/c3e7f071-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
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